

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Kevin L. Coaxum, # 55265,)	C/A No. 1:11-2499-JMC-SVH
)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Officer Howard,)	
)	
)	
Defendant.)	

This is a civil action filed by a federal prisoner confined at a local detention center. Therefore, in the event that a limitations issue arises, Plaintiff shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court).

This matter is before the Court because of Plaintiff's failure to comply with the magistrate judge's order (ECF No. 9) of September 28, 2011. A review of the record indicates that the magistrate judge ordered Plaintiff to submit the items needed to render this case into "proper form" within twenty-one (21) days, and that if he failed to do so, this case would be dismissed *without prejudice*. Specifically, the magistrate judge directed Plaintiff to submit an amended complaint, a motion for leave to proceed *in forma pauperis* (Form AO 240), Forms USM-285, and a summons (Form AO 440). Plaintiff has failed to respond to the magistrate judge's order.

Accordingly, the above-captioned case is dismissed *without prejudice*. The Clerk of Court shall close the file.*

IT IS SO ORDERED.



October 25, 2011
Greenville, South Carolina

J. Michelle Childs
United States District Judge

NOTICE OF RIGHT TO APPEAL

Plaintiff is, hereby, notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.

*Under the General Order (Misc. No. 3:07-MC-5014-JFA) filed on September 18, 2007, this dismissal *without prejudice* does *not* count as a “strike” for purposes of the “three strikes” provision of 28 U.S.C. § 1915(g). If Plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk’s Office in Columbia (901 Richland Street, Columbia, South Carolina 29201).